

MUNICIPALITY: Coventry (Greene) FILE NO.: 080259

LOCATION OF PREMISES: 25 Old Summit Road

APPLICANT: Summit General Store, Ltd.

25 Old Summit Road

Greene, R.I. 02827

USE OR OCCUPANCY: Mercantile / Storage

The above-captioned case was originally scheduled for hearing before the State Fire Board on July 20, 2010 at 1:00 P.M. At that time, Chairman Coutu, Vice Chairman Newbrook and Commissioners Blackburn, Preiss, Jackson, Dias and Jasparro were present. The fire service was represented by Deputy State Fire Marshal Kaitlyn Foley of the State Fire Marshal's Office. After an initial review of the case, it was determined that a Subcommittee of the Board should conduct an onsite review of the subject facility and report back with their recommendations to the full Board. The onsite Subcommittee meeting was scheduled for July 26, 2010 at 9:00 AM.

Commissioner Jasparro, Commissioner Dias and Director Coffey attended the onsite Subcommittee meeting along with Chief of Inspections Scott Caron and Deputy State Fire Marshal Kaitlyn Foley

of the State Fire Marshal's Office. Also in attendance were Mr. Matthew Skaling, Mr. Paul Skaling and Mr. Kevin Skaling representing the Applicant - Summit General Store Ltd. The Subcommittee members, upon review of the remaining deficiencies with both the State Fire Marshal's Office and the Applicant's representatives, made the following proposed "Findings of Fact" and proposed "Conclusions and Variance Request" to the Board during the regular July 27, 2010 meeting.

The Subcommittee recommendations were reviewed by the Board on July 27, 2010. At that time, Acting Chairman Newbrook and Commissioners Richard, Jackson, Jasparro, Walker and Dias were present. A motion was made by commissioner Walker and seconded by Commissioners Dias and Jasparro to approve the Subcommittee's recommendations. The motion was unanimous. Accordingly, the Subcommittee recommendations, outlined below, now have the status of a full Board Decision.

FINDINGS OF FACT

The numbers of the Decision below correspond with those of a June 10, 2008 inspection report compiled by the State Fire Marshal's Office. The above report was utilized by the Subcommittee, the Applicant's representatives and the Fire Marshal's Office during the July 26, 2010 onsite Subcommittee meeting covering this facility. Accordingly, the Board hereby incorporates the June 10, 2008 report as its initial findings of fact. Any modification of the Board's findings, such as correction of a deficiency by the Applicant, shall be noted herein.

Based upon the information contained in the June 10, 2008 inspection report, along with the observations of the parties during the July 26, 2010 onsite Subcommittee meeting, the Board makes the following additional findings of fact:

The Board hereby confirms the State Fire Marshal's initial determination that the original portion of the subject facility is one and one half stories in height and can be considered Type V (000) construction.

The Board further finds that the upper level of this original building is not open to the public and is utilized exclusively as incidental storage for the main mercantile occupancy on the first floor. The Board further finds that the upper level, or attic level, is generally accessed by only one (1) of the four (4) employees typically in the store, on an as-needed basis, two (2) or three (3) times each week. The Board further finds that the windows on the north end of the upper level could be utilized as an emergency means of escape if necessary. The Board further finds that, at the suggestion of the State Fire Marshal's Office, the Applicant has agreed to provide the additional protection of a domestically supplied sprinkler head (regular or sidewall) over the attic access stairs, located on the southern wall of the building.

The Board further finds that main level of the original structure is utilized as a general store with a post office counter (federal enclave) a deli counter and a pizza oven the does not generate grease-laden vapors. The Board notes that the Applicant has agreed with the State Fire Marshal's recommendation to have the Town Mechanical Inspector, or a similarly acceptable official, confirm that the vent pipe

from the pizza oven is properly insulated at the point where it intersects the southern exterior wall of the original building. The Board further confirms that the adjoining exterior steel-walled main level addition, extending from the eastern side to a portion of the southern side of the original building, is one story in height and can be considered Type II (000) construction. The Board confirms that the steel-walled addition is built on a concrete floor and is utilized for the incidental storage and distribution of animal grain and other ordinary hazard products.

The Board finds that the above steel-walled addition has front and rear “roll up” loading area doors in addition to the access door leading back to floor of the main store. The Board further finds that the steel-walled storage area is also not open to the public. The Board further finds that this area is only accessed, on a limited basis, by employees delivering animal grain, and the other non-hazardous products, to customers waiting outside the northern end of the store on, or beyond, the exterior concrete loading dock. The Board further finds that the Applicant has agreed to raise the roll-up door, located in the front (north) portion of this steel-walled storage area during all hours of occupancy. The Board further finds that the Applicant has agreed with the recommendation of the State Fire Marshal’s Office to provide additional emergency lighting on the exterior and interior sides of both roll up doors.

The Board further finds that the basement of this facility is generally unoccupied and is utilized only for accessing the mechanical systems. The Board finds that the unoccupied basement is accessed

by a stairway located on the southern end of the first level. The Board further finds that the Applicant has agreed with the State Fire Marshal's recommendation to also protect this stairway with a domestically-supplied sprinkler head. The Board further finds that the Applicant maintains an additional emergency means of egress, from this unoccupied area, through a separate basement door leading directly to grade.

The Board further confirms the State Fire Marshal's determination that the subject facility is approximately 7,050 Square feet in total area. The Board further finds that the Applicant has specifically maintained clear paths of egress throughout this facility and has further agreed to comply with Commissioner Jasparro's recommendation to continually maintain these routes clear of all obstructions as part of a comprehensive housekeeping program. Finally, the Board finds that any major combustible storage, such as bales of wood chips, hay and straw, are stored off-site, in trailers, at an appropriate distance from all exposures.

Any specific deficiency, identified in the June 10, 2008 inspection report, understood by the Board to have been corrected, which is not so corrected, shall be immediately corrected by the Applicant. The term "approved", as used herein, is defined in section 23-28.1-4(3) of the Rhode Island General Laws.

CONCLUSIONS AND VARIANCE REQUEST

1. The Board hereby grants a variance from the provisions of sections 37.2.4.1, and its referenced standards, in order to allow the Applicant to maintain the existing single egress stairway from the generally unoccupied attic storage space in this facility. In granting this relief, the Board directs the Applicant to maintain the existing limited storage occupancy of this space and to further provide the egress stairway with an approved, domestically-supplied sprinkler head (regular mount or sidewall) installed at the direction and to the satisfaction of the State Fire Marshal's Office within sixty (60) days of the date of this Decision. In granting this relief the Board further notes that the windows on the north end of the attic could also be utilized for emergency escape from the attic and that access to this area is limited to employees only on a sporadic basis as outlined above.

2. It is the understanding of the Board that the Applicant has corrected deficiency 2, by properly illuminating the cited means of egress, at the direction and to the satisfaction of the State Fire Marshal's Office.

3. It is the understanding of the Board that the Applicant has corrected deficiency 3, by properly illuminating the entire general store area with emergency lighting, at the direction and to the satisfaction of the State Fire Marshal's Office.

4. It is the understanding of the Board that the Applicant has corrected deficiency 4, by repairing the cited non-operational emergency light in the general store area, at the direction and to the satisfaction of the State Fire Marshal's Office.

5. It is the understanding of the Board that the Applicant has corrected deficiency 5, by providing this facility with approved illuminated emergency exit signage, at the direction and to the satisfaction of the State Fire Marshal's Office

6. During the July 26, 2010 onsite inspection of this facility, it was determined by the Board that the storage located in the attic area was now all ordinary hazard and was comparable to the shelf storage within the lower mercantile area. The Board further notes that the Applicant shall provide the attic stairway with a domestically supplied sprinkler head as outlined in Item 1 above. The Applicant has further assured the Board that the attic area shall continue to be utilized only for the current ordinary hazard storage. Accordingly, the Board finds that separation shall not be required between the attic storage area and the existing shelf storage within mercantile area below.

During the July 26, 2010 onsite inspection of this facility, it was also determined that the furnace, located in the open basement of this facility, was now directly protected by a domestically-supplied sprinkler head. It was further agreed that the basement would neither be open to the public nor utilized for storage. In light of the above, the Board hereby grants a variance from the enclosure and separation provisions of sections 37.3.2.1 and 8.7.1.1, and their referenced standards, in order to allow the Applicant to protect the furnace as outlined above. As a further condition of this relief, the Board directs the Applicant provide a domestically supplied sprinkler head over the stairway leading to the basement of this facility, installed at the

direction and to the satisfaction of the State Fire Marshal's Office, within sixty (60) days of the date of this Decision.

7. The Board hereby grants the Applicant a time variance of thirty (30) days from the date of this Decision to submit a plan to the State Fire Marshal's Office for the upgrading of the fire alarm system in this facility. The Board hereby grants the Applicant an additional one hundred twenty (120) days to implement the above plan by upgrading the fire alarm system at the direction and to the satisfaction of the State Fire Marshal's Office. The Board notes that, as a condition of the variances granted herein, the Applicant has agreed to maintain third party monitoring of the fire alarm system in this facility. Finally, the Board notes that the Applicant shall not be required to provide the newly upgraded fire alarm system with direct municipal connection through either radio box or direct land line.

8. It is the understanding of the Board that the Applicant has corrected deficiency 8, by providing the stairs to the attic level with approved handrails, at the direction and to the satisfaction of the State Fire Marshal's Office.

9. The Board hereby grants a variance from the provisions of section 37.2.4, and its referenced standards, in order to allow the Applicant to maintain the existing egress from the steel-walled first floor storage area as outlined herein. In granting this variance, the Board directs the Applicant to maintain the front (north) roll-up door open during all regularly scheduled hours of occupancy. The Board further directs the Applicant to provide additional emergency lighting on the exterior and interior sides of both roll up doors in this area. The Board hereby

grants a time variance of sixty (60) days from the date of this decision to install the above emergency lighting at the direction and to the satisfaction of the State Fire Marshal's Office. As a further condition of this variance, the Board directs that the public shall not be allowed in this storage area and that occupancy shall be limited to employees with a working knowledge of the egress system. Finally, the Board directs that the storage in this area shall be limited to the existing ordinary hazard storage and that potentially hazardous storage, such as bales of wood chips, hay and straw, shall continue to be stored off-site as outlined above.

10. It is the understanding of the Board that the Applicant has corrected deficiency 10, by properly sealing the cited open junction boxes, at the direction and to the satisfaction of the State Fire Marshal's Office.

11. It is the understanding of the Board that the Applicant has corrected deficiency 11, by replacing the cited electrical faceplates, at the direction and to the satisfaction of the State Fire Marshal's Office.

12. It is the understanding of the Board that the Applicant has corrected deficiency 12, by properly securing the cited electrical wires in the basement of this facility, at the direction and to the satisfaction of the State Fire Marshal's Office.

13. It is the understanding of the Board that the Applicant has corrected deficiency 13, by eliminating the use of extension cords, within this facility, as permanent wiring, at the direction and to the satisfaction of the State Fire Marshal's Office.

14. The Board hereby grants the Applicant a time variance to correct

deficiency 14, by having the fire extinguishers in this facility, properly inspected, at the direction and to the satisfaction of the State Fire Marshal's Office, within thirty (30) days of the date of this Decision.

15. The Board hereby grants the Applicant a time variance to correct deficiency 15, by having the fire extinguishers in this facility, properly certified and tagged, at the direction and to the satisfaction of the State Fire Marshal's Office, within thirty (30) days of the date of this Decision.

16. As a condition of the variances granted herein, the Board hereby directs the Applicant to request the Town Mechanical Inspector, or comparable qualified official, to inspect and certify that the pizza oven stove pipe is properly insulated at the point where it intersects the southern exterior wall of the original building. The Board directs the Applicant to have the above inspection completed within thirty (30) days of the date of this Decision.

17. The Board further directs the Applicant to continue to maintain clear paths of egress throughout this facility and to continue an active comprehensive program of housekeeping, as recommended by the Subcommittee, at the direction and to the satisfaction of the State Fire Marshal's Office. The Board further directs the Applicant to provide approved signage, indicating that the attic, the basement, and the steel-walled storage area are not open to the public and are limited to employee access only. Finally, the Board directs the Applicant to install, in close proximity to the main customer door, an approved certified and properly tagged fire extinguisher, at the direction and to the satisfaction of the State Fire Marshal's Office.

18. The Board hereby grants the State Fire Marshal's Office the authority to extend any of the above time lines in light of good faith compliance efforts being made by the Applicant.